

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/25/2016

Applicant : Shri D.D.Choudhari
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Case No. CGRF(NZ)/26/2016

Applicant : Shri Daulat K.Shrirame
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Case No. CGRF(NZ)/27/2016

Applicant : Shri K.M.Gajabhe
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Case No. CGRF(NZ)/28/2016

Applicant : Shri Gulab D.Randaye
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Case No.CGRF(NZ)/29/2016
Applicant : Shri Sambha C. Shrirame
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Case No. CGRF(NZ)/30/2016
Applicant : Shri Narayan B. Shrirame
At.Tadgaon,Po.Mangrul
Tq.Samudrapur, Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Applicant' Representative :- Shri B.V.Betal,

Respondent by:- 1) Shri A.M.Nitnaware, E.E., Hinganghat Dn.
2) Shri V.M.Hedau, Dy.EE, Samudrapur, S/Dn.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Mrs. Vandana Parihar,
Member/Secretary

**COMMON ORDER PASSED ON 04.03.2016 in Case No.25/2016,
Case No.26/2016, Case No.27/2016, Case No.28/2016, Case No.29/2016, Case No.30/2016**

1. All these six grievance applications are filed on 09-02-2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Facts of all these applications are similar and identical therefore we are deciding these cases by common order.
3. Non applicant filed reply and denied case of the applicant.
4. Forum heard arguments of both the sides and perused record.
5. Applicant applied for agricultural connection on 25-02-2013 but demand is given on 10-05-2013. According to MERC's SOP Regulations it is necessary to issue demand within 15 days from the date of application, otherwise applicant is entitle for compensation. However claim of compensation for delay in issuing demand must be within limitation. According to the Regulation 6.6 of the said Regulation **“Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action has arisen”**. In this case demand was expected to be issued on 12-03-2013. Therefore cause of action arose on 12-03-2013. Demand is issued on 10-05-2013. Therefore at the most cause of action arose on 10-05-2013. Therefore it was necessary for the applicant to claim compensation for demand within 2 years from 10-05-2013 i.e. on or before 10-05-2015. But present case is filed on 09-02-2016 for claiming compensation for issuing late demand and therefore claim of the applicant for compensation for issuing late demand is barred by limitation and therefore applicant is not entitled for compensation for delay in issuing demand.
6. Applicant paid amount of demand on 07-06-2013 and submitted test report on 10-07-2014. In this case infrastructure is not ready and therefore stipulated time to issue connection is 90 days according to MERC's SOP Regulations. But up till now connection is not given to the applicant therefore applicant is entitle for compensation for delay in releasing agricultural connection since 18-10-2014 till releasing of electrical connection.

7. According to applicant they have prepared seniority list and as per seniority list they are issuing agricultural connections. However in our opinion alleged seniority list is not legal and proper.

8. However, it is pertinent to note that in entire MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014, there is absolutely nothing written about the seniority list or details of procedure to be formulated by M.S.E.D.C.L. If there are thousands of applications in alleged seniority list, it does not mean that M.S.E.D.C.L. is authorized to delay issuance of agricultural connection beyond stipulated time period laid down in SOP regulations. Even if Office of M.S.E.D.C.L. had issued any circular about seniority list, said circular has absolutely no legal sanctity. It is pertinent to note that MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 is issued by Hon'ble M.E.R.C. and binding on all officers of M.S.E.D.C.L. Non applicant has absolutely no right to prepare their own rules regarding the seniority contrary to MERC SOP regulations 2014. If really M.S.E.D.C.L. intent to observe the seniority list, they will have to approach Hon'ble M.E.R.C. to get the approval for amendment in SOP 2014. Unless and until SOP 2014 is not amended by Hon'ble MERC, alleged seniority list has absolutely no locusstandi and M.S.E.D.C.L. can not ask the agriculturists to stand in Queue years together till they commit suicide for not providing of agricultural connection.

9. According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) regulations 2005, it was necessary for M.S.E.D.C.L. to give agriculture connection within 90 days but there was delay in giving agriculture connection and for that purpose applicant is entitled for compensation as per MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 read with 2014.

10. State Government has constituted Maharashtra Electricity Regulatory Commission as laid down u/s 82 of Electricity Act 2003. Our Forum is constituted as per the provisions laid down u/s 42 (5) of Electricity Act 2003. It is specifically provided u/s 57 (2) of Electricity Act 2003 that "If Licensee fails to meet standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution may be initiated, he shall be liable to pay such compensation to the person affected as may be determined by appropriate Commission. According to Section 57 (3) of Electricity Act 2003, the compensation determined under sub-section (2) shall be paid by concerned Licensee within 90 days of such determination. Therefore Section 57 of Electricity Act 2003 is a mandatory provision for awarding the compensation.

11. Regulation 8.2 of MERC (CGRF & EO) Regulations 2006 reads as under :-

"If after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner,

- (a) To remove the cause of Grievance in question;*
- (b) To return the consumer the undue charges paid by the consumer;*
- (c) To pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer;*

Provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

- (d) To pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensee.*
- (e) Any other order, deemed appropriate in the facts and circumstances of the case”.*

12. Therefore according to regulation 8.2 (c),(d) & (e) of the said regulations, this Forum is empowered and can pass order of compensation to redress grievance of the applicant as discussed above.

13. In case No.43/2005 decided on 01-06-2006 Hon'ble Maharashtra Electricity Regulatory Commission filed in para 9 of the order is as under:

“The Commission has also considered the submissions of MSEDCL for issuance of instructions to the Consumer Grievance Redressal Forum (CGRF) at Nagpur not to direct MSEDCL or insist on release of power to agricultural pump sets pending the decision of the Commission in the present matter. Sub-sections (5), (6) and (7) of Section 42 of EA 2003 provides the statutory basis under which grievances are required to be redressed by the forums established by distribution

licensees. These statutory provisions read with the regulations made under sub-sections (5) and (7) of Section 42 do not give jurisdiction or authority to the Commission to issue such instructions as prayed for by MSEDCL”.

For all these reasons in our opinion application must be partly allowed. Applicant is entitled for agricultural connection along with compensation.

14. Hence the following order.

ORDER

- 1) Grievance application is partly allowed.
- 2) Claim of applicant for compensation about issuing demand at late stage is barred by limitation and therefore rejected.
- 3) Non-applicant shall pay compensation to the applicant for delay in releasing of agricultural connection since 08-10-2014 till the releasing of agricultural connection according to MERC's SOP Regulations.
- 4) Non-applicant shall release agricultural connection to the applicant within 30 days from the date of this order.
- 5) Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-

(Mrs.V.N.Parihar)
MEMBER/SECRETARY

Sd/-

(Shivajirao S. Patil),
CHAIRMAN